



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,755	04/03/2001	Junji Ikeda	1344.1062	1610

21171 7590 09/21/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

KISS, ERIC B

ART UNIT PAPER NUMBER

2192

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,755

Applicant(s)

IKEDA ET AL.

Examiner

Eric B. Kiss

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The reply filed 8 June 2005 has been received and entered. Claims 1-10 are pending.

Response to Amendment

2. Applicant's amendments to claims 4 and 6 appropriately address the rejection of these claims under 35 U.S.C. §112, second paragraph. Accordingly, this rejection is withdrawn in view of Applicant's amendments.

Response to Arguments

3. Applicant's arguments filed 8 June 2005 have been fully considered but they are not persuasive.

In response to Applicant's arguments in the last paragraph of p. 7, continuing onto p. 8, the Examiner submits that the Sigal et al. system enables a user to specifically access a particular version of a slave module in accordance with the dynamic versioning system (see, e.g., col. 6:35-43). Opening the slave module includes locating the specific slave module through reference of the DVT (see, e.g., col. 7:63-67), which maps a module name and version number to a unique module content/location (see, e.g., col. 5:36-48).

In response to Applicant's arguments in the third paragraph of p. 8, as described above, the DVT maps a module name and version number to a unique module content/location (see, e.g., col. 5:36-48). The retrieval of the requested slave module is entirely dependent on locating the module name and version number in the DVT and accessing the corresponding module through the described mapping.

Art Unit: 2192

In response to Applicant's arguments in the fifth paragraph of p. 8, as discussed above, the DVT maps a module name and version number to a unique module content/location (see, e.g., col. 5:36-48). The retrieval of the requested slave module is entirely dependent on locating the module name and version number in the DVT and accessing the corresponding module through the described mapping. Access to the requested slave module is permitted through the proper functioning of the DVT lookup process.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 3, 8, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigal et al. (US 5881292), hereinafter, Sigal *et al.*

Claim 1

Sigal et al. teach an exclusive access controlling (e.g., see *exclusive access, exclusive write/modify access* col.3:34-67; see complex system 200, *exclusivity lock*, 216 FIGS.2,3 & associated text) apparatus (e.g., see FIG.1 & associated text) for electronic information (e.g., see modules 204, 206, 208 FIGS.2,3,4 & associated text) comprising:

- o version number holding means for holding a version number of electronic information (e.g., see DVT 540 FIG.5C & associated text; see *Dynamic Versioning Table, DVT* col.5:34-67);
- o electronic information name creating means for creating an electronic information name to be prepared by attaching the version number held in said version number

- holding means to an appellation unique to the electronic information (e.g., see *slave module2 version 1* col.5:35-48; see 540, 542, 547 FIG.5C & associated text);
- o electronic information name distributing means for distributing the electronic information name created by said electronic information name creating means, to users of the electronic information (e.g., see *USER 1*, 522, *USER 2*, 524, *USER 3*, 526, *Sm1V1*, 504, *Sm2V1*, 506, *Sm3V1*, 508 FIGS.5A,5B & associated text);
 - o version number judging means for judging whether or not the version number included in the electronic information name coincides with the version number held in said version number holding means (e.g., see 800, 802, 804 FIG.8 & associated text), when the electronic information to be specified by the electronic information name is subject to an access by each user of the electronic information (e.g., see 602, 603, 604, 605 FIG.6 & associated text);
 - o access permitting means for permitting an access to the electronic information, when it is judged by said version number judging means that the two version numbers coincide with each other (e.g., see 800, 802, 804 FIG.8 & associated text); and
 - o version number updating means for updating the version number held in said version number holding means, when the contents of the electronic information have been updated (e.g., see 900-912 Fig.9 & associated text; see 1100-1128 Fig.11 & associated text; see *new version2*, *slave module2*, *sm2v2*, *version number 3* col.5:10-25; see 512 Fig.5B & associated text).

Claim 3

The rejection of base claim 1 is incorporated. Sigal et al. further teach electronic information name re-distributing means for re-distributing an electronic information name newly created by said electronic information name creating means to users of the electronic information, when the contents of the electronic information have been updated (e.g., see 549 FIG.5C & associated text; see 800, 802, 804 FIG.8 & associated text; col.4:33-40).

Claims 8 and 10

Sigal et al. teach an exclusive access controlling method (e.g., see exclusive access, exclusive write/modify access col.3:34-67; see complex system 200, exclusivity lock; 216 FIGS.2,3 & associated text) for electronic information (e.g., see modules 204, 206, 208 FIG5.2,3,4 & associated text), comprising:

- o an electronic information name creating process for creating an electronic information name to be prepared by attaching a version number of electronic information held in a table (e.g., see DVT 540 FIG.5C & associated text; see Dynamic Versioning Table, DVT col.5:34-67) to an appellation unique to the electronic information (e.g., see slave module2 version1 col.5:35-48; see 540, 542, 547 FIG.5C & associated text);
- o an electronic information name distributing process for distributing the electronic information name created by said electronic information name creating process, to users of the electronic information (e.g., see *USER 1*, 522, *USER 2*, 524, *USER 3*, 526, Sm1V1, 504, Sm2V1, 506, Sm3V1, 508 FIGS.5A,5B & associated text);
- o a version number judging process for judging whether or not the version number included in the electronic information name coincides with the version number held in said table (e.g., see 800, 802, 804 FIG.8 & associated text), when the electronic information to be specified by the electronic information name is subject to an access by each user of the electronic information (e.g., see 602, 603, 604, 605 FIG.6 & associated text);
- o an access permitting process for permitting an access to the electronic information, when it is judged by said version number judging process that the two version numbers coincide with each other (e.g., see 800, 802, 804 FIG.8 & associated text); and
- o a version number updating process for updating the version number held in said table, when the contents of the electronic information have been updated (e.g., see 900-912 Fig.9 & associated text; see 1100-1128 Fig.11 & associated text; see *new version2*,

Art Unit: 2192

slave module2, sm2v2, version number 3 col.5:10-25; see 512 Fig.5B & associated text).

Claim 9

Sigal et al. teach a recording medium (e.g., see *ROM 108, RAM 110, system 100* FIG.1 & associated text) recorded with an exclusive access controlling program (e.g., see *Programmed instructions* col.3:10-20; see *exclusive access, exclusive write/modify access* col.3:34-67; see *complex system 200, exclusivity lock 216* FIGS.2,3 & associated text) for electronic information (e.g., see modules *204, 206, 208* FIGS.2,3,4 & associated text), for realizing:

- o an electronic information name creating function for creating an electronic information name to be prepared by attaching a version number of electronic information held in a table (e.g., see *DVT 540* FIG.5C & associated text; see *Dynamic Versioning Table, DVT* col.5:34-67) with an appellation unique to the electronic information (e.g., see *slave module2 version1* col.5:35-48; see *540, 542, 547* FIG.5C & associated text);
- o an electronic information name distributing function for distributing the electronic information name created by said electronic information name creating function, to users of the electronic information (e.g., see *USER 1, 522, USER 2, 524, USER 3, 526, Sm1V1, 504, Sm2V1, 506, Sm3V1, 508* FIGS.5A,5B & associated text);
- o a version number judging function for judging whether or not the version number included in the electronic information name coincides with the version number held in said table (e.g., see *800, 802, 804* FIG.8 & associated text), when the electronic information to be specified by the electronic information name is subject to an access by each user of the electronic information (e.g., see *602, 603, 604, 605* FIG.6 & associated text);
- o an access permitting function for permitting an access to the electronic information, when, it is judged by said version number judging function that the two version

numbers coincide with each other (e.g., see 800, 802, 804 FIG.8 & associated text);
and

- o a version number updating function for updating the version number held in said table, when the contents of the electronic information have been updated (e.g., see 900-912 Fig.9 & associated text; see 1100-1128 Fig.11 & associated text; see *new version2*, *slave module2*, *sm2v2*, *version number 3 col.5:10-25*; see 512 Fig.5B & associated text).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 2 4, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sigal et al.* in view of *Stupek et al.* (US 5586304).

Claim 2

The rejection of base claim 1 is incorporated. *Sigal et al.* do not expressly disclose a reason analysis means for analyzing, based on the version number held in said version number holding means, a reason of a discrepancy between the both version numbers when they are judged to be discrepant from each other by said version number judging means. However, *Stupek et al.* disclose a reason analysis means for analyzing (e.g., see upgrade adviser 11 FIG. 1 & associated text; see comparisons, version *number*, *upgrade* package, network resource col.4:5-12), based on the version number held in said version number holding means (e.g., see *MIB 5* FIG.1 & associated text; see name, version number, software col.3:14-25; see driver table 32 FIG.4 & associated text), a reason of a discrepancy between the both version numbers when they are judged to be discrepant from each other by said

version number judging means (e.g., see comparison, importance of the upgrade col.9:50-col.10:3; see analysis, reasons for upgrade col.3:55-64; see Description database 27 FIG.5B & associated text; see description 27e, feature enhancements, bug fixes col.6:52-67). Sigal et al. and Stupek et al. are analogous art because they are both directed to version controlling in software update. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Stupek et al. into that of Sigal et al. for the inclusion of a reason analysis means. And the motivation for doing so would have been to provide the users of the network resource upgrade advise/recommendations (i.e., explanation of reasons for upgrade, upgrade description, bug fixes, feature enhancements, etc.) (e.g., col.6:55-67; col.3:55-64)

Claim 4

The rejection of base claim 2 is incorporated. Sigal et al. further teach wherein said version number updating means sets a version number of electronic information at 0 (zero) when the exclusive access control of the electronic information is started, while increasing the version number of the electronic information by 1 (one) during the electronic information is being accessed (e.g., see sm2v1, sm2v2 col.5:10-19) and increasing the version number of the electronic information by 2 (two) when the contents of the electronic information have been updated (e.g., see version number 3 col.5:19-25).

Claim 6

The rejection of base claim 2 is incorporated. Sigal et al. further teach wherein said version number updating means sets a version number of electronic information at 0 (zero) when the exclusive access control of the electronic information is started, while increasing the version number of the electronic information by 1 (one) (e.g., see sm2v1, sm2v2 col.5:10-19), in advance of creation of the electronic information name by said electronic information name creating means and additionally increasing the version number of the

electronic information by 1 (one) when the contents of the electronic information have been updated, while (e.g., see version number 3 col.5:19-25).

8. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigal et al. in view of Stupek et al. further in view of Misheski et al. (US 5878432), hereinafter, Misheski et al.

Claim 5

The rejection of base claim 4 is incorporated. Sigal et al. and Stupek et al. do not expressly disclose wherein said reason analysis means judges that the electronic information is being locked (i.e., access inhibited state), when the version number of the electronic information is an odd number, and judges that the access to the electronic information is targeted at the electronic information of the former version when the version number of the electronic information is an even number. However, *Misheski et al.* disclose reason analysis means judges that the electronic information is being locked (i.e., access inhibited state), when the version number of the electronic information is an odd number (e.g., see version 1, lock state LS col.13:5-45; see Fig.9 & associated text; col.14:1-7; see lock modules, checked out col.13:54-56; see FIG.14 & associated text; see Version, Lockstate col.16:62-col.17:15; col.18:6-28), and judges that the access to the electronic information is targeted at the electronic information of the former version when the version number of the electronic information is an even number (e.g., see V2, previous version col.14:14-20). Sigal et al., Stupek et al., and *Misheski et al.* are analogous art because they are directed to version controlling in software update. It would have

Art Unit: 2192

been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Misheski et al.* into that of Sigal et al. and Stupek et al. for the inclusion of reason analysis means as disclosed by Misheski et al. And the motivation for doing so would have been facilitate the enforcement of exclusive access to software modules by different users, making sure that only one programmer can modify a module at any given time (col.13:25-30) and to facilitate undoing of modifications/updates in newer version (i.e., by reverting back to a former version) (e.g., col.13:45-55).

Claim 7

The rejection of base claim 6 is incorporated. Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in Claim 5.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2192

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK/~~EBK~~
September 16, 2005



ANTONY NGUYEN-BA
PRIMARY EXAMINER